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**Michigan Commission on Law Enforcement Standards**  
**Commission Working Session Minutes**  
**September 11, 2007**  
**Oronoko Township Public Safety Building**  
**Berrien Springs, Michigan**

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**COMMISSION MEMBERS PRESENT:**

Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association  
Mr. John Buczek, representing the Fraternal Order of Police  
Mr. Jim DeVries, representing the Police Officers Association of Michigan  
Lt. Col. Timothy Yungfer, representing the Michigan State Police  
Director Kurt Jones, representing the Michigan Association of Chiefs of Police  
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan  
Prof. Ron Bretz, representing the Criminal Defense Attorneys of Michigan  
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police  
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association  
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police  
Sheriff James Bosscher, representing the Michigan Sheriffs' Association  
Deputy Chief Deborah Robinson, representing Chief Ella Bully-Cummings, Detroit  
Police Department  
Trooper Michael Moorman, representing the Michigan State Police Troopers Association  
Mr. Raymond Beach, Executive Director  
Mr. Tom Furtaw, Commission Counsel

**COMMISSION MEMBERS EXCUSED:**

Mr. Bill Dennis, representing the Attorney General

**COMMISSION STAFF PRESENT:**

Ms. Theresa Hart	Ms. Hermina Kramp
Mr. Gary Ruffini	Ms. Cheryl Hartwell
Mr. John Steele	Mr. Dale Rothenberger
Mr. David King	Mr. Dan Furniss

## **GUESTS SIGNING IN:**

There were not guests in attendance.

## **CALL TO ORDER:**

The Commission Working Session was called to order by Sheriff Gene Wriggelsworth on September 11, 2007, at 2:00 p.m. at the Oronoko Township Public Safety Building in Berrien Springs, Michigan. He asked the Commission members to bring any matters of concern regarding Commission business / operations to himself, Mr. Buczek, or Mr. Beach.

## **AGENDA ITEMS FOR DISCUSSION:**

**Fiscal Year 2008 Budget Development Update** – Due to the unresolved State budget, Mr. Beach explained that he would be unable to present an MCOLES budget to the Commission at this time for approval and would be providing an update only. Mr. Beach, Mr. Buczek, and other Commission members have regularly attended House Appropriations Subcommittee meetings regarding the funding for MCOLES under House Bill 4852. There has been no action taken on the bill to date although it has now been rolled into Senate Bill 411 and the surcharge has been reduced from \$1.35 to \$.81. A copy of SB 410 and 411 were provided to the Commission. This amount would result in approximately \$7.5 million for MCOLES which would pay for the unfunded initiatives and a portion of in-service training. It is anticipated that the Committee will be meeting again on September 12, 2007.

Also included in the bill is funding for a peace officer grant program. This grant program would reimburse law enforcement agencies 50% of the wages for new hires if their departments had been reduced in size since September 11, 2001.

Mr. Beach also reported that he had recently met with Rep. Jackson regarding the funding bill and she has asked that the Commission consider looking at the area of racial profiling as an in-service training mandate.

**Fiscal Year 2008 Budget Functional Areas** – Mr. Beach explained that taking direction from the work plan approved by the Executive Committee during his annual evaluation, a list of organizational work priorities was drafted. This document was provided to the Commission members. Mr. Beach suggested that an emergency meeting of the Commission be held to approve an MCOLES budget as soon as the State budget is settled. He explained that increased costs over the years such as wages and now new

audit, vehicle, and technology costs are depleting operations costs in the MCOLES budget. In addition, the Senate recently passed an early out retirement bill that approximately 60% of staff would qualify for.

Sheriff Wriggelsworth thanked Mr. Beach and Mr. Buczek for their dedication of time, effort, and hard work during the budget process.

**PA 203 and PA 302 Consolidation** – Mr. Furtaw explained that Public Acts 203 and 302 were being updated and modernized to be brought to the legislature for consolidation. The Justice Training Act would be put into the MCOLES Act as it should be as a result of an Executive Order issued by the Governor. The updates to the Act will include the definitions of regular employment and a law enforcement agency along with Ethics changes as recommended by the Commission. These items are currently not defined in MCOLES statute. It is anticipated that draft language will be provided to Rep. Mark Meadows to introduce during the next legislative session in January.

**Regular Employment Committee Report** – Sheriff Pickell provided background to the Commission on the issue of regular employment. A series of public hearings were held across the state to initiate feedback and recommendations from the law enforcement community. A copy of the compilation of information and comments from those hearings was provided to the Commission members.

Mr. Furtaw explained that there is no definition of regular employment in statute but the Commission has the ability to tailor one for law enforcement employment. He stated that regular employment is defined as repetitive in nature, more than casual or intermittent.

Mr. Furniss provided a PowerPoint presentation outlining the results of the survey sent out to all law enforcement agencies in December 2006 regarding this issue. In addition, Mr. King gave a presentation regarding the public hearings that had been held. He gave a brief overview of the comments received from the field. He explained that most of the participants asked that training also be counted toward the number of hours a part-time officer works. Less than nine percent of officers in the state are employed part-time, most attend training, and some are union members.

As a result of the survey, public hearings and input from the field, the Committee recommendation would be a gradual process beginning with the year 2010 as follows:

- A part-time officer with less than two years of law enforcement experience would be required to work a minimum of 300 hours. Beginning the year 2013, 568 hours would be required. Up to 48 hours per year can include in-service training.

- A part-time officer with more than two years of law enforcement experience would be required to work a minimum of 568 hours. Over a two-year time frame, this can include 96 hours of in-service training.

A part-time officer working at more than one agency will be allowed to combine the hours in order to meet the minimum requirement.

Mr. Furtaw will be drafting language incorporated into Public Act 203 if an officer does not meet the minimum yearly requirement. At that time, an officer would be recognized as inactive and be allowed the opportunity for a contested case hearing.

Mr. Beach explained that the Committee would be taking the recommendation of the full Commission out to the field in the form of public hearings in late December or January to gather input and create statutory language.

A **MOTION** was made by Sheriff Pickell and supported by Trooper Moorman to take the recommended number of hours for part time as a minimum of 693 per year (1/3 time) to the field in public hearings as a solution to regular employment.

A **VOTE** was taken. The **MOTION** failed.

A **MOTION** was made by Director Jones and supported by Chief Olko to set the minimum number of part-time hours as 520 which may include up to 24 hours of in-service training per year.

A **VOTE** was taken. The **MOTION** failed.

A **MOTION** was made by Sheriff Bosscher and supported by Mr. Buczek recommended that the Commission move forward with the Committee recommendation of 568 minimum hours for part-time law enforcement officers which may include up to 48 hours of in-service training per year.

A **VOTE** was taken. The **MOTION** carried.

**Ethics Committee Report** – Chief Olko explained that the goal of this Committee is to examine the ability to act on expanding MCOLES authority under statute. The Committee has met several times and in addition an Ethics Advisory Group has also met to give input to the Commission.

Mr. Furtaw provided a PowerPoint presentation outlining the discussions and direction of the Ethics Committee. He provided the definition of good moral character which is, “the propensity on the part of the person to serve the public in a fair, honest, and open manner.”

The following issues were discussed for recommendation of action to the Commission on September 12, 2007:

- Good Moral Character
- Screening and Background Investigations
- Release and Waiver Authorization Form
- Revocation Authority
- Revocation Procedure
- Summary Suspension

The Ethics Committee will meet to further discuss these issues and a recommendation will be prepared for Commission review at the meeting on the 12<sup>th</sup>.

### **ADDITIONS TO THE AGENDA:**

There were no additions to the agenda.

### **ADJOURNMENT:**

The meeting adjourned at 5:42 p.m.

APPROVED BY \_\_\_\_\_ ON \_\_\_\_\_

WITNESSED BY \_\_\_\_\_ ON \_\_\_\_\_